



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

August 3, 2011

CBCA 2413-TRAV

In the Matter of JOHN ROHULICH

John Rohulich, Lexington Park, MD, Claimant.

Bonnie Petree, Head/Travel Office Customer Service Division, Comptroller Group, Naval Air Warfare Center, Department of the Navy, Patuxent River, MD, appearing for Department of the Navy.

GILMORE, Board Judge.

Claimant, John Rohulich, an employee with the Naval Air Warfare Center, has asked the Board to review the determination by his agency's travel office that he is not entitled to reimbursement of \$536, the cost to travel on two occasions to and from St. Louis, Missouri, on behalf of the Government. The agency determined that the Southwest Business Select Upsell tickets that he purchased for the two round-trips only allowed him "priority boarding" and not "priority seating" and that the amenities that came with the tickets (free drink, priority access to the security lane, and rewards credit) could not be itemized and factored out. Thus, the agency denied claimant reimbursement for the cost of the tickets. For the reasons below, Mr. Rohulich is entitled to reimbursement of the cost of the two round-trip tickets in the amount of \$536.

Background

Claimant, because of a special physical need, was authorized on his travel orders to purchase upgraded tickets for the two round-trips in question. The authorization was properly issued under the provisions governing "special needs" travel accommodations in Joint Travel Regulation C 2204-B.1.c.(1)(b). The agency does not challenge the authorization, but

contends that claimant did not purchase tickets that met the “special needs” seating requirement in the regulation because Mr. Rohulich received only “priority boarding,” not “priority seating.”

The agency is misinterpreting the above-cited regulation. The regulation recognizes that Economy Plus/Coach Elite seating service may vary from airline to airline and use various names. Because Southwest offers only coach seating, its upgrade policy guarantees the upgraded passenger to be one of the first fifteen passengers to board the aircraft; the aircraft has seventeen seats available with extra leg room. Because Mr. Rohulich purchased upgraded tickets, he was guaranteed “priority seating,” not simply “priority boarding” as the agency contends. The agency wants to factor out any amenities from the cost of the tickets; however, that is not the analysis required under the regulation. Certainly, the price of a free drink is never deducted from the ticket price for payment purposes.

Decision

We conclude that the purchase of the tickets met the “special needs” accommodation requirements in the cited regulation. Claimant is entitled to the full cost of the tickets in the amount of \$536.

BERYL S. GILMORE
Board Judge